



S&H Form: (2/01)

Docket No.: 1454.1101

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#16
5/3/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Heinz-Jürgen NIGGL

Serial No. 09/937,771

Group Art Unit: 3637

Confirmation No. 7093

Filed: December 10, 2001

Examiner: ANDERSON, GERALD A

For: MECHANICAL LINK BETWEEN SIDE WALLS AND REAR WALL OF A SHEET
CASING (As Amended)

REQUEST FOR RECONSIDERATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

An Advisory Action was mailed on March 25, 2004. However, the application is under appeal. Accordingly, the Advisory Action appears to be improper. Specifically, in determining the period for reply, the Examiner indicates that the period for reply expires on the date set forth in the final action. However, referring to the first paragraph (form paragraph) of the Advisory Action, an appeal is a proper reply. A Notice of Appeal and Appeal Brief have been filed. It is unclear whether the Examiner understands this.

On the Advisory Action, the Examiner states that Amendment (Amendment After Appeal) will not be entered because it raises new issues that would require further consideration and or search. Applicant respectfully requests reconsideration. The only change to claim 4 was to change "material" to --sheet metal--. Claim 1 previously recited "sheet metal." Accordingly, it is not understood what are the new issues that would require further consideration and or search. It is submitted that consideration of claim 4 would not require undue additional effort on the part of the Examiner. This is especially true in view of the fact that the Examiner will be preparing a Notice of Allowance or a Reply Brief in response to the March 15, 2004 Appeal Brief.

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If there is any misunderstanding on this case, the Examiner is requested to telephone the undersigned to address this matter. Otherwise, Applicant looks forward to receipt of a Notice of Allowance or Reply Brief.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 19 2004
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